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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/632,790

08/04/2003

Paul Gaudron

056409-5092

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7590

10/03/2005

MORGAN LEWIS & BOCKIUS LLP
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EXAMINER

MITCHELL, KATHERINE W

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Allowability

Application No.

10/632,790

Examiner

Katherine W. Mitchell

Applicant(s)

GAUDRON, PAUL

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/5/2005.
2. ☒ The allowed claim(s) is/are 1-3, 10, 11 and 13-16.
3. ☒ The drawings filed on 04 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20050826.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Katherine W. Mitchell
AU 3677

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frank Spanitz during Aug 17- Aug 26, 2005

The application has been amended as follows:

In the Claims:

- Claim 1 has been amended to delete everything after line 1, "A fastener, comprising:" and insert in its place:

--a metal shank having a tip and an approximately constant diameter except at its tip;
a first helical thread formed on the shank and having a first diameter, wherein the ratio of the first diameter to the shank diameter is at least 1.5:1;
a second helical thread formed on the shank and having a second diameter that is substantially less than the first diameter; and
a helical, roughened surface formed on the entire shank.--

- Claim 2, line 1, has been amended to insert --first-- immediately before "helical thread".

- Claim 3 has been amended to delete everything after line 1, "A fastener, comprising:" and insert in its place:

--a head;

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a shank having a minor diameter, a tip, and a length extending from the head to the tip;
a first helical threading formed on the shank and having a first diameter, the ratio of the first diameter to the minor diameter is at least 1.5:1;

a second helical threading formed on the shank proximal the head and distal the tip, the second threading having a second diameter that is substantially less than the first diameter; and

a helical, roughened surface formed on the entire shank,

wherein the second helical threading extends over less than half of the shank length.

- Claims 4 -9 and 12 have been cancelled.
- Claim 10 has been amended to delete everything after line 2, "comprising the steps of:" and insert in its place:

-- providing a self-tapping fastener including a head and shank, the shank having a tip and a minor diameter and a major diameter, the major diameter defined by a first helical threading formed on the shank, wherein the ratio of the major diameter to the minor diameter is at least 1.5:1, a second helical threading formed on the shank, the second threading having a second diameter that is substantially less than the major diameter, and a helical, roughened surface formed on the entire shank; and
driving the fastener into the frangible material such that the fastener and the structure are supported entirely by the frangible material.--

- Claim 11, line 2, has been deleted to delete "or" and insert --and-- in its place.
- Claim 13 has been amended to depend on claim 1, not on claim 12.

- Claim 15, line 1, has been amended to delete everything after "The fastener of claim" and insert in its place --13, further comprising the second helical thread formed on the shank proximal the head and distal the tip.--
- New claim 16 has been added:
--16. A fastener comprising
a head;
a shank having a minor diameter and a tip;
a first helical threading formed on the shank and having a first diameter, wherein the ratio of the first diameter to the minor diameter is at least 1.5:1 and the threads of the first threading are spaced at intervals between 0.5 to 1.0 cm;
a second helical threading formed on the shank proximal the head and distal the tip, the second threading having a second diameter that is substantially less than the first diameter; and a helical, roughened surface extending over the entire shank.--

The following is an examiner's statement of reasons for allowance: The prior art of record does not teach or make obvious a fastener with first and second helical threads having the entire shank, including the tip, having a helical, roughened surface on the shank. Note that the roughened surface is on the shank, not on the threads, which are disclosed as on the shank and thus cannot be considered part of the shank having a roughened surface. Examiner can find no motivation to extend the roughened surface to include the tip other than applicant's teachings, which would involve impermissible hindsight.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kwm
8/26/2005

Katherine W Mitchell
Examiner
Art Unit 3677

